

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Steven L. Hewitt,)	Civil Action No.0:13-1436-MGL
)	
Plaintiff,)	
)	
v.)	
)	
Elizabeth Holcomb,)	<u>OPINION AND ORDER</u>
)	
Defendant.)	
_____)	

On May 29, 2013, Plaintiff Steven L. Hewitt (“Plaintiff”) a state prisoner filed this action pursuant to 42 U.S.C. § 1983 against Defendant Elizabeth Holcomb (“Defendant”) alleging violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On November 5, 2013, Defendant filed a motion for summary judgment due to Plaintiff’s failure to exhaust his administrative remedies. (ECF No. 55.) On July 3, 2014, Magistrate Judge Gossett, recommended that the court grant Defendant’s motion. (ECF No. 74.)

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made. Plaintiff was advised of her right to file objections to the Report and Recommendation. (ECF No. 74.) However, he has not done so and objections were due on July 21, 2014. In the absence of a timely

filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Finding no clear error on the face of the record, the court accepts the Magistrate Judge’s Report and Recommendation. Accordingly, upon careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference. Defendant’s motion to for summary judgment (ECF No. 55) is GRANTED and this action is DISMISSED without prejudice.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
July 28, 2014